

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

U.S. BANK NATIONAL ASSOCIATION,)	
AS TRUSTEE FOR THE REGISTERED)	
HOLDERS OF WACHOVIA BANK)	
COMMERCIAL MORTGAGE TRUST,)	
COMMERCIAL MORTGAGE PASS-)	
THROUGH CERTIFICATES,)	
SERIES 2007-C33,)	
Plaintiff)	
)	
v.)	C.A. No. 13-cv-30102-MAP
)	
US INDUSTRIAL GAYLORD L.P.,)	
Defendant)	

ORDER OF TRANSFER PURSUANT TO
LOCAL RULE 40.1(I)

June 25, 2013

PONSOR, U.S.D.J.

Plaintiff has filed an Emergency Motion for Appointment of a Receiver (Dkt. No. 2), which this court heard on June 25, 2013. Defendant opposed the motion based both upon alleged lack of subject matter jurisdiction and upon the absence of any circumstances sufficiently critical to justify appointment of a receiver.

Following oral argument, this court concluded that, at a minimum, an evidentiary hearing would be necessary to determine whether, as a factual matter, the circumstances justified appointment of a receiver. The court took no position following oral argument on Defendant's contention

that the court lacked subject matter jurisdiction.

As the court pointed out to counsel, the court's schedule would not permit a hearing on the contested factual issues at any time prior to late September or early October. Counsel for Defendant was comfortable with this schedule, but the moving party, Plaintiff, indicated a strong desire for a quicker hearing. With this in mind, the court contacted United States District Judge William G. Young to determine whether a transfer of this case to him to address all outstanding issues in the case at his discretion would be acceptable. Judge Young graciously agreed.

Based upon this, the court, pursuant to Local Rule 40.1(I) of the Local Rules for the United States District Court for the District of Massachusetts, hereby Orders the transfer of this case to the docket of Judge Young, with his consent.

Counsel should contact Judge Young's clerk to obtain an indication as to whether Judge Young will be setting this case for hearing and, if so, when.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge